From: Tim Maroney
To: Microsoft ATR
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Subject: about the Microsoft settlement

I work in the software industry. Specifically, I am a longtime Macintosh software developer, which means I have lived under the shadow of Microsoft for my entire professional career. The shadow is long and dark; it is a shadow that seeps into every crack, and plays every trick it can imagine, crushing competition through both blunt assault and subterfuge. I was encouraged by the initial remedy imposed in the antitrust trial, and discouraged for the future of my industry when it was reversed on appeal for no apparent reason besides the judge voicing his understandable frustration with the weasely antics of the defendants.

I do not understand how you can even consider a settlement based on conduct remedies, when Microsoft has been repeatedly placed under conduct remedies in the past and has done everything in its power to find loopholes in them, and in many cases simply flouted them completely. In addition, there is no limit to the number of new abusive practices the company can come up with, and no conduct remedy can anticipate them. The only feasible anti-trust remedies given a history of flouted conduct remedies are structural ones. The breakup was an excellent starting point, though the actual lines of division could have used more careful consideration with respect to strategically important issues like development tools.

Another structural remedy worth considering is the public utility solution, in which key parts of the Microsoft edifice -- I'd suggest operating systems and development tools -- become publicly owned in return for a reasonable payment to Microsoft, minus the value of penalties for its monopolistic behavior, and with interoperability constraints imposed on its applications to counteract the benefit they have already derived from monopoly pressures.

If Microsoft were just another application developer without the ability to use its monopoly position in operating systems to dominate the application market and other software markets, we might start to see some real competition emerging again in the software industry. At the same time, Microsoft would remain quite profitable and successful, although to maintain its success, it would have to try the radical approach of producing superior products at lower prices.

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